

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference XXX	FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/PL2004/000099	International filing date (day/month/year) 02.12.2004	Priority date (day/month/year) 11.12.2003	
International Patent Classification (IPC) or national classification and IPC G02B6/00			
Applicant SKOFF SPOLKA Z O.O. et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 02.07.2005	Date of completion of this report 02.11.2005		
Name and mailing address of the International preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Berthommé, E Telephone No. +49 89 2399-2956		
			



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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-3 as originally filed

Claims, Numbers

1-4 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-4
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4
Industrial applicability (IA)	Yes: Claims	1-4
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Reference is made to the following documents:

- D1: US-A-5 211 464 (BOEHMER ET AL) 18 May 1993 (1993-05-18)
- D2: US-B1-6 309 081 (FURIHATA SHINICHI) 30 October 2001 (2001-10-30)
- D3: WO 97/34281 A (QUICK, HERBERT) 18 September 1997 (1997-09-18)
- D4: US-A-4 918 578 (THOMPSON ET AL) 17 April 1990 (1990-04-17)
- D5: DE 296 03 006 U1 (OSA ELEKTRONIK GMBH, DE) 18 April 1996
- D6: US-B1-6 305 109 (LEE CHI-HUANG) 23 October 2001 (2001-10-23)
- D7: EP-A-1 276 002 (ALPS ELECTRIC CO., LTD) 15 January 2003
- D8: CH 277 177 A (NUETZI,KARL) 15 August 1951 (1951-08-15)
- D9: US-A-2 524 657 (FORD PAUL B) 3 October 1950 (1950-10-03)
- D10: EP-A-1 500 958 (MUSTACCIUOLI, LAURA) 26 January 2005

1. The application does not meet the requirements of Article 6 PCT, because claim 1 is not clear.

The subject-matter of claim 1 is defined as a lighting clip

Some features of claim 1 are then defined with respect to some external features:

- the lighting clip is "fixed around an edge of a panel" and
- "supplied by an electric power system".

It appears therefore that claim 1 does not only set forth features of a lighting clip, but instead defines the relationship of the clip to some other elements (panel, power system) which are external features and are themselves not within the scope of protection of the claims, thus rendering claim 1 unclear (Art. 6 PCT).

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claim 1 is ~~not~~ new in the sense of Article 33(2) PCT.

The document D1 discloses all the features of claim 1 (the references in parentheses applying to this document):

- a lighting clip (clamping part 8) *for use around an edge of a transparent or semi-*

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transparent panel in a removable or permanent way, and (*for being*) supplied by an electric power system,

- the clip being in the form of a section, with at least one side open, built of clamping arms (legs 9, 10) joined with a connector and equipped with at least one source of light placed in the internal space.

Moreover, each of the documents D2 to D9 also discloses all the features of claim 1.

3. Dependent claims 2 to 4 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, see documents D1 to D9 and the corresponding passages cited in the search report.